



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 2843

Masakazu HAYAISHI et al.

Art Unit: 1709

Application No.: 10/523,990

Examiner: Jie Yang

Filed: February 9, 2005

Attorney Dkt. No.: 100193-00001

For: STEEL FOR MACHINE STRUCTURAL USE HAVING EXCELLENT
CHIP BREAKABILITY

SUBMISSION OF TERMINAL DISCLAIMER

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

November 26, 2007

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal
Disclaimer.

Enclosed is a check in the amount of One Hundred Thirty Dollars (\$130.00) to cover
the cost of the fee. In the event that this check is found to be insufficient, or if any
additional fees are due with respect to the filing of this paper, please charge Deposit
Account Number 01-2300, **referencing Attorney Docket No. 100193-00001.**

Respectfully submitted,

By: 

Rhonda L. Barton

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Enclosure: Terminal Disclaimer

TECH/554937.1



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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321 (d)

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Sir:

Petitioner, **HONDA GIKEN KOGYO KABUSHIKI KAISHA**, having its place of business at **1-1, Minami-Aoyama 2-chome, Minato-ku, Tokyo 107-8556, Japan**, represents that it is the assignee and owner of an undivided interest in U.S. Patent Application Serial No. **10/523,990**, filed **February 9, 2005** for **STEEL FOR MACHINE STRUCTURAL USE HAVING EXCELLENT CHIP BREAKABILITY**, the assignment for the application being recorded in the U.S. Patent and Trademark Office on February 9, 2005 at Reel 016856, Frame 0037. Petitioner **DAIDO STEEL CO., LTD.**, having its place of business at **11-18 Nishiki 1-chome, Naka-ku, Nagoya-shi, Aichi-ken, Japan**, represents that it is the assignee and owner of an undivided interest in U.S. Patent No. **6,764,645** filed November 27, 2002, for **STEEL FOR MACHINE STRUCTURAL USE HAVING GOOD MACHINABILITY AND CHIP-BREAKABILITY**. The assignment for

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this patent being recorded in the U.S. Patent and Trademark Office on January 17, 2003, Reel 013679, Frame 0093.

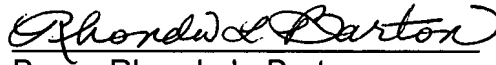
U.S. Patent No. **6,764,645** has a common inventor with the present application. The present application resulted from activities undertaken within the scope of a joint research agreement.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. **10/523,990**, which would extend beyond the expiration date of U.S. Patent No. **6,764,645**, and hereby waives the right to separately enforce any patent granted on application Serial No. **10/523,990**. Thus, U.S. Patent No. **6,764,645** and any patent granted on application Serial No. **10/523,990** shall be enforceable only for and during such period that said patent and the patent granted on application Serial No. **10/523,990** are not separately enforced. This Terminal Disclaimer is to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. **6,764,645** in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of enforceability stated above.

The undersigned on behalf of petitioner, **HONDA GIKEN KOGYO KABUSHIKI KAISHA**, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,
For: **HONDA GIKEN KOGYO KABUSHIKI KAISHA**



By: Rhonda L. Barton
Title: Attorney for Applicants
Date: 11/26/07